

Notice of Allowability

Application No.

10/708,822

Applicant(s)

BEENAU ET AL.

Examiner

Daniel I. Walsh

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are ____.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 8-07, 8-07, 8-07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8-07
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

Daniel I Walsh
Examiner
Art Unit: 2876

DETAILED ACTION

1. Receipt is acknowledged of the Amendment received on 7-16-07 and the IDS (3) received on 8-22-07.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Howard Sobelman on 8-23-07. The application has been amended as follows:

Replace claim 1 with:

A transponder-reader transaction system configured with a biometric security device, said system comprising: a first transponder responsive to a first RF interrogation signal from a reader; a second transponder physically in a same fob as, and associated with, said first transponder and responsive to a second RF interrogation signal, said first RF interrogation signal responding to distinct frequencies from said second RF interrogation signal; a transponder system authentication circuit in communication with at least one of said first transponder and said second transponder, said transponder system authentication circuit configured to authenticate at least one of said first RF interrogation signal and said second RF interrogation signal; said biometric security device comprising a biometric sensor configured to detect a proffered

biometric sample, said biometric sensor is configured to communicate with said system; and, a verification device configured to verify said proffered biometric sample to selectively activate one of said first and second transponders to facilitate a payment transaction; wherein said system is configured to determine whether a user requested transaction exceeds a preloaded value defined by a preloaded value data file associated with a transponder; determine whether said transaction exceeds a combination of said preloaded value and a reload value defined by a reload protocol data file associated with said transponder, wherein said preloaded value data file and said reload protocol data file define predetermined values for use in satisfying a user transaction request; notify a user to proffer a biometric sample to authorize use of said combination of said preloaded value and said reload value to complete said transaction; detect a proffered biometric sample at a sensor communicating with said system; verify said proffered biometric sample; and authorize said transaction to proceed by applying said preloaded value from a first funding source associated with said transponder and applying a portion of said reload value from one of said first funding source and a second funding source according to said reload protocol data file.

Cancel claims 6-11, 16-18, 20-23, and 32.

Replace claim 33 with:

33. The transponder-reader transaction system of claim 1, wherein said system is further configured to update said preloaded value data file according to said reload protocol data file.

Replace claim 34 with:

34. The transponder-reader transaction system of claim 1, wherein said system is further configured to provide a transponder system identifier and update reload indicia to a user interface to obtain user authorization prior to reloading said preloaded value.

Replace claim 35 with:

35. The transponder-reader transaction system of claim 1, wherein said system is further configured to provide incentives to a transponder user based on said reloading of said preloaded value.

Replace claim 36 with:

36. The transponder-reader transaction system of claim 1, wherein said system is further configured to provide a transponder system identifier to an issuer system server and providing in real-time an update reload protocol to said issuer system server for reloading the preloaded value in real-time according to said reload protocol.

Allowable Subject Matter

3. Claims 1-5, 12-15, 19, 24-31, and 33-36 are allowed.

4. The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach the limitations of the independent claim, including determining whether a user requested transaction exceeds a preloaded value defined by a preloaded value data file

associated with a transponder, determining whether the transaction exceeds a combination of said preload value and a reload value defined by a reload protocol data file associated with the transponder, as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel I Walsh
Examiner
Art Unit 2876



DANIEL WALSH
PRIMARY EXAMINER